

UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

ROBERT A. SMITH,

Case No. 2:23-cv-01030-RFB-BNW

Plaintiff

## ORDER

V.

CENTURION MEDICAL, et al.,

## Defendants

## I. DISCUSSION

Plaintiff Robert A. Smith initiated this action with a motion for a preliminary injunction (ECF No. 1-1.) On July 18, 2023, the Court ordered Plaintiff to file a fully complete application to proceed *in forma pauperis*, or pay the \$402 filing fee, and file a complete complaint by September 18, 2023. (ECF No. 3). The very next day, Plaintiff filed a motion for a preliminary injunction in which he apologized for the error and stated that he would attempt to rectify it.<sup>1</sup> (ECF No. 4 at 1.) However, the deadline has passed, and Plaintiff has not filed an application to proceed *in forma pauperis* or paid the \$402 filing fee. Nor has Plaintiff filed a complaint.

As the Court previously explained, “A civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. “A civil-rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by this court or must be legible and contain substantially all the information called for by the court’s form.”

For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed ***Application to Proceed in Forma Pauperis for Inmate***, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a

<sup>1</sup> In his motion for a preliminary injunction, Plaintiff requests that he be placed in a single cell in a medical unit. (ECF No. 4.) The Court defers any consideration of Plaintiff's motion until after he has filed a fully complete application to proceed *in forma pauperis*, or paid the \$402 filing fee, and filed a complete complaint.

1 copy of the inmate's prison or jail trust fund account statement for the previous six-month  
 2 period. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis* status  
 3 does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate  
 4 can pay the fee in installments. See 28 U.S.C. § 1915(b).

5 The Court will give Plaintiff one final opportunity to file a fully complete application to  
 6 proceed *in forma pauperis*, or pay the \$402 filing fee, and file a complete complaint. Plaintiff  
 7 must file a fully complete application to proceed *in forma pauperis*, or pay the \$402 filing fee, and  
 8 file a complete complaint by November 12, 2023.

9 **II. CONCLUSION**

10 For the foregoing reasons, it is ordered that Plaintiff will submit a complaint to this Court  
 11 on or before **November 12, 2023**.

12 It is further ordered that on or before **November 12, 2023**, Plaintiff will either pay the full  
 13 \$402 filing fee or file a fully complete application to proceed in forma pauperis with all three  
 14 required documents: (1) a completed application with the inmate's two signatures on page 3, (2) a  
 15 completed financial certificate that is signed both by the inmate and the prison or jail official, and  
 16 (3) a copy of the inmate's trust fund account statement for the previous six-month period.

17 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
 18 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to  
 19 refile the case with the Court, under a new case number, when Plaintiff can file a complaint and a  
 20 complete application to proceed in forma pauperis or pay the required filing fee.

21 It is further ordered that the Clerk of the Court will send Plaintiff Robert A. Smith the  
 22 approved form for filing a § 1983 complaint and instructions for the same, as well as the approved  
 23 form application to proceed in forma pauperis for an inmate along with information and  
 24 instructions for the same.

25 DATED: 10/16/2023

26   
 27 United States Magistrate Judge  
 28